

**MEDICAL EXAMINING BOARD
MEETING MINUTES
DECEMBER 11, 2013**

PRESENT: Kenneth Simons, MD; Greg Collins; Timothy Westlake, MD; Timothy Swan, MD; Mary Jo Capodice, DO; Jude Genereaux; Rodney Erickson, MD; Russell Yale, MD; Gene Musser, MD; and Sridhar Vasudevan, MD

EXCUSED: James Barr; Carolyn Ogland, MD

ABSENT: Suresh Misra, MD

STAFF: Tom Ryan, Executive Director; Joshua Archiquette, Executive Staff Assistant and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of ten (10) was confirmed.

ADOPTION OF AGENDA

MOTION: Sridhar Vasudevan moved, seconded by Gene Musser, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments:

➤ **Update “Dr. Adrich” to “Dr. Aldrich” regarding the Proposed Decisions and Orders**

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to approve the minutes of November 20, 2013 as amended. Motion carried unanimously.

FSMB MATTERS

MOTION: Russell Yale moved, seconded by Sridhar Vasudevan, to designate Greg Collins as the Board’s public member scholarship recipient at the 2014 FSMB Annual Meeting Thursday-Saturday, April 24-26, 2014 in Denver Colorado, authorize his attendance and approve his travel. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to approve Dr. Gene Musser as a candidate to serve on Board of Directors for the Federation of State Medical Boards. Motion carried unanimously.

LICENSING COMMITTEE REPORT

MOTION: Sridhar Vasudevan moved, seconded by Rodney Erickson, to authorize the Licensing Committee to make recommendations to the legislature regarding increasing the Graduate Medical Education requirement for licensure from one year to two years, and to create Visiting Physician, Resident Physician and Administrative Physician Licenses and to authorize the committee to carry on active discussions on these matters based upon today's discussion. Motion carried unanimously.

SCREENING PANEL REPORT

Jude Genereaux reported that twelve (12) cases were opened and six (6) ten-day letters were sent.

MOTION: Jude Genereaux moved, seconded by Mary Jo Capodice, to authorize the Chair to appoint Screening Panel Liaisons. Motion carried unanimously.

CLOSED SESSION

MOTION: Timothy Swan moved seconded by Timothy Westlake, to convene to closed session to deliberate on cases following hearing § 19.85 (1) (a), Stats.; consider closing disciplinary investigations with administrative warning § 19.85 (1)(b), Stats., and 448.02(8), Stats., to consider individual histories or disciplinary data § 19.85(1) (f), Stats., and, to confer with legal counsel § 19.85 (1) (g), Stats.). Kenneth Simons, Chair; read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kenneth Simons – yes; Timothy Swan – yes; Greg Collins – yes; Timothy Westlake – yes; Mary Jo Capodice – yes; Rodney Erickson – yes; Russell Yale – yes; Sridhar Vasudevan – yes; Gene Musser – yes; and Jude Genereaux – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:12 a.m.

RECONVENE TO OPEN SESSION

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:00 p.m.

MONITORING

MOTION: Greg Collins moved seconded by Sridhar Vasudevan, to deny the request of Roger Pellmann, M.D. for termination of Suspension of his license to practice medicine and surgery. Reason for Denial: Roger Pellmann, M.D. has not presented to the Board evidence sufficient to establish his ability to safely and competently resume the practice of medicine and surgery. Motion carried unanimously.

MOTION: Timothy Swan moved seconded by Greg Collins, to refuse to consider any request by Roger Pellmann, M.D., to terminate or rescind the Suspension of his license to practice medicine and surgery which request is made prior to June 30, 2014. The Board finds such timeframe reasonable based upon the Fitness For Work Evaluation performed by Cynthia Midcalf, PhD., dated November 26, 2013, Dr. Pellmann's failure to fully comply with the terms of the Board's September 19, 2012 Suspension Order, and Dr. Pellmann's repeated and current assertions that he did nothing wrong as well as his failure to assume responsibility for his actions which led to the Suspension of his license. Motion carried unanimously.

MOTION: Russell Yale moved, seconded by Jude Genereaux, to request DLSC open an investigation of Dr. Pellmann's conduct to determine if there has been any unprofessional conduct relative to submissions made by him in conjunction with his request to terminate his suspension. Motion carried unanimously.

Pam Stach, Board Legal Counsel, left the room during the presentation, deliberation and voting and did not provide legal opinion to the Board in the above matter.

FULL BOARD ORAL EXAMINATION

MOTION: Rodney Erickson moved, seconded by Russell Yale, to find that Mary F. Burgesser-Howard, M.D. passed the Full Board Oral Examination. Motion carried.

MOTION: Russell Yale moved, seconded by Timothy Westlake, to grant the application of Mary F. Burgesser-Howard, M.D. for a license to practice medicine and surgery in the State of Wisconsin once all other requirements have been met. Motion carried.

Sridhar Vasudevan abstained from voting in the above matter.

CONSULT WITH JENNIFER NASHOLD, ADMINISTRATIVE LAW JUDGE

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Peri L. Aldrich (11 MED 123). Motion failed.

MOTION: Timothy Swan moved, seconded by Rodney Erickson, to affirm the motion made by the Board during the November 20, 2013 Medical Examining Board meeting regarding the matter of Peri L. Aldrich, M.D. (11 MED 123). Motion carried.

Sridhar Vasudevan voted no in the above matter.

Mary Jo Capodice recused herself from deliberation and voting in the above matter.

DELIBERATION OF COMPLAINT FOR DETERMINATION OF PROBABLE CAUSE

MOTION: Gene Musser moved, seconded by Timothy Swan, to find probable cause to believe that Paul A. Kornaus, M.D. – Case Number 13 MED 059 – is guilty of unprofessional conduct and therefore issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. sec. 448.02(3) (b). Motion carried unanimously.

Rodney Erickson and Mary Jo Capodice recused themselves during deliberation and voting of the above matter.

DELIBERATION OF APPLICATION MATTERS

MOTION: Gene Musser moved, seconded by Jude Genereaux, to find that the training and education of Azar Shikholeslami, M.D. is not substantially equivalent to the requirements set forth in Wis. Stat. sec. 448.05(2). Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Timothy Westlake, to find that the training and education of Jeremy L. Smiley, M.D. is substantially equivalent to the requirements set forth in Wis. Stat. sec. 448.05(2). Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Gene Musser, to grant licensure to practice medicine and surgery in the State of Wisconsin to Jeremy L. Smiley, M.D. once all requirements have been met. Motion carried unanimously.

MOTION: Russell Yale moved, seconded by Timothy Westlake, to table discussion on the matter of Oussama Darwish, M.D.'s. determination of equivalency and ask the Division of Professional Credentialing to obtain letters from his program directors assessing his competency to practice and outcomes of his cases performed during his fellowship in comparison to other graduates of their programs. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Mary Jo Capodice moved, seconded by Timothy Swan, to issue administrative warnings in the matter of case numbers 12 MED 450 (M.J.K.), 12 MED 455 (G.A.P.), 13 MED 017 (K.K.K.), 13 MED 074 (D.W.F.), 13 MED 078 (P.A.R.). Motion carried.

Gene Musser abstained from voting in the matter of 13 MED 078 (P.A.R.)

PRESENTATION AND DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Greg Collins moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Jose G. Araujo, M.D. (12 MED 262), Don E. Breckmill, M.D. (12 MED 455), Farid A. Ahmad, M.D. (13 MED 020), Mark P. Bishop, M.D. (13 MED 264), Lislle A Leppla, M.D. (13 MED 325), Larry R. Lane, M.D. (13 MED 328). Motion carried unanimously.

MOTION: Mary Jo Capodice moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Michael A. Dehner, M.D. (12 MED 449). Motion carried.

Gene Musser abstained from voting in the above matter.

MOTION: Timothy Swan moved, seconded by Russell Yale, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Patricia L. Hough, M.D. (13 MED 267). Motion carried unanimously.

CASE CLOSURES

MOTION: Russell Yale moved, seconded by Sridhar Vasudevan, to close case # 12 MED 140 (P.A.) for P3 (Prosecutorial Discretion), case # 13 MED 215 (S.N.H.) for NV (No Violation), case # 13 MED 230 (J.M.H.) for IE (Insufficient Evidence), and case # 13 MED 312 (M.P.L.) for NV (No Violation). Motion carried unanimously.

RATIFY LICENSING

MOTION: Gene Musser moved, seconded by Greg Collins, to ratify all exams, certificates and licenses. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to affirm all votes made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:00 p.m.